

US Army Corps of Engineers. Philadelphia District

Wanamaker Building 100 Penn Square East Philadelphia, PA 19107-3390 ATTN: CENAP-OP-R

Public Notice

Public Notice No.

CENAP-OP-R-200600698-26

JUL 0 9 2006

Application No.

File No.

In Reply Refer to:

REGULATORY BRANCH

This District has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

The purpose of this notice is to solicit comments and recommendations from the public concerning issuance of a Department of the Army permit for the work described below.

APPLICANT: Louis B. Hirst, Jr.

AGENT:

Coastal and Estuarine Research, Incorporated

Marine Studies Complex

PO Box 674

Lewes, DE 19958-0674

WATERWAY: Lewes and Rehoboth Canal

LOCATION: Tax Map No. 3-34-19.12-21.5, located at 206\$0 Canal Road, Lewes, Lewes and Rehoboth Hundred, Sussex County, Delaware.

ACTIVITY: As depicted on Enclosures E-1 thru E-10; the applicant proposes to construct a 12' x 4' pier; 5' x 24' dock and access stairs to the pier. No dredging or wetland impacts are proposed.

PURPOSE: To moor a 23' long boat.

Essential Fish Habitat Assessment: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (public law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service on all actions or proposed actions, permitted, funded, or undertaken by the agency that may adversely effect essential fish habitat Effects of the Project on Essential Fish Habitat (EFH): The project is located in Essential Fish Habitat identified on Sheet 81 of Guide to Essential Fish Habitat Designations in the Northeastern United States, Volume IV: New Jersey and Delaware, March 1999. The following managed species of fish have been listed in the above referenced guide as occurring in the vicinity of the project: bluefish (Pomatomus saltatrix), summer flounder (Paralichthys dentatus), scup (Stenotomus chrysops), black sea bass (Centropristus striata), spiny dogfish (Squalus acanthias), surf clam (Spisula solidissima),

Atlantic butterfish (Peprilus triacanthus), king mackerel (Scomberomorus cavalla), Spanish mackerel (Scomberomorus maculatus), Atlantic cod (Gadus morhua), winter flounder (Pleuronectes americanus), summer flounder (Paralicthys dentatus), windowpane flounder (Scophthalmus aquosus), red hake (Urophycis chuss), white hake (Urophycis tenuis), Atlantic sea herring (Clupea harengus), monkfish (Lophius americanus), cobia (Rachycentron canadum), and the following shark species; scalloped hammerhead (Sphyrna lewini), sandbar (Carcharhinus obscurus), sand tiger (Odontaspis taurus), dusky (Carcharhinus plumbeus), Atlantic sharpnose (Rhizoprionodon terraenovae), Atlantic angel (Squatina dumerili).

Analysis of the Effects: Construction of the proposed dock, pier & stairs will occur in waters and on substrates that are in an artificially created canal subject to sediment accretion and regular, seasonal boat traffic. Such an area is expected to have relatively poor water quality, and is an unlikely spawning or nursery area for the managed species. Consequently, concentrations of the sessile life stages (eggs and larvae) of the listed species are not expected to be within the work area. The pelagic adults and juveniles of the listed species are highly mobile and capable of avoiding impacts associated with the work.

Corps of Engineers View: Based on the above analysis, the Corps of Engineers has determined that the proposed project would not have substantial direct, indirect, site-specific, or habitat-wide impacts on EFH, or upon the managed species and their life stages listed in the above referenced EFH guide, either individually, cumulatively, or synergistically. The proposed project would not eliminate, diminish, nor disrupt the functions of EFH.

A preliminary review of this application indicates that the proposed work would not affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

The decision whether to issue a permit will be based on an evaluation of the activity's probable impact including its cumulative impacts on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments.

All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and welfare of the people. A Department of the Army permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the proposed work should be submitted, in writing, within 15 days to the District Engineer, U.S. Army Corps of Engineers, Philadelphia District, Wanamaker Building, 10 Penn Square East, Philadelphia, Pennsylvania 19107-3390.

Review of the National Register of Historic Places indicates that no registered properties or properties listed as eligible for inclusion therein are located within the permit area of the work.

In accordance with Section 307(c) of the Coastal Zone Management Act of 1972, applicants for Federal Licenses or Permits to conduct an activity affecting land or water uses in a State's coastal zone must provide certification that the activity complies with the State's Coastal Zone Management Program. The applicant has stated that the proposed activity complies with and will be conducted in a manner that is consistent with the approved State Coastal Zone Management (CZM) Program. No permit will be issued until the State has concurred with the applicant's certification or has waived its right to do so. Comments concerning the impact of the proposed and/or existing activity on the State's coastal zone should be sent to this office, with a copy to the State's Office of Coastal Zone Management.

Any person may request, in writing, to the District Engineer, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state in writing, with particularity, the reasons for holding a public hearing.

Additional information concerning this permit application may be obtained by calling Mr. Kevin E. Faust at (302) 736-9763 between the hours of 1:00 and 3:30 p.m. or writing this office at the above address.

Wrank J. Cian#rani

Chief, Regulatory Branch

PROL_SED 12' x 4' PIER AND 5" x 24' DOCK

IN: Lewes and Rehoboth Canal

AT: 20650 Canal Road, Rehoboth Manor

Rehoboth Beach, Sussex County, DE 19971

Tax Map Parcel #3-34-19.12-21.5

APPLICANT: Louis B. Hirst, Jr.

DATE: April, 2006

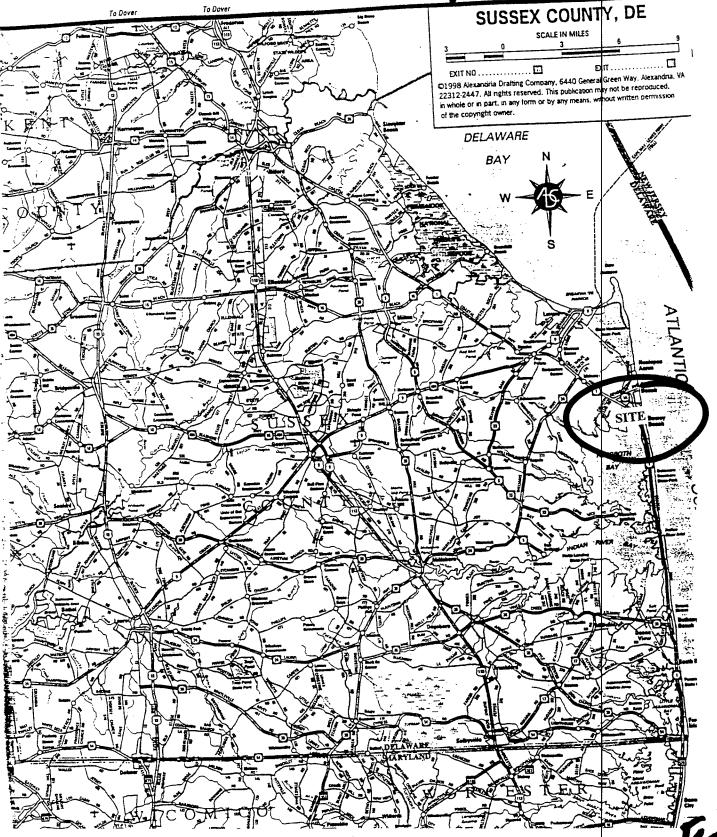


Figure 1. Map of Sussex County, Delaware showing site location, Rehoboth Beach area.

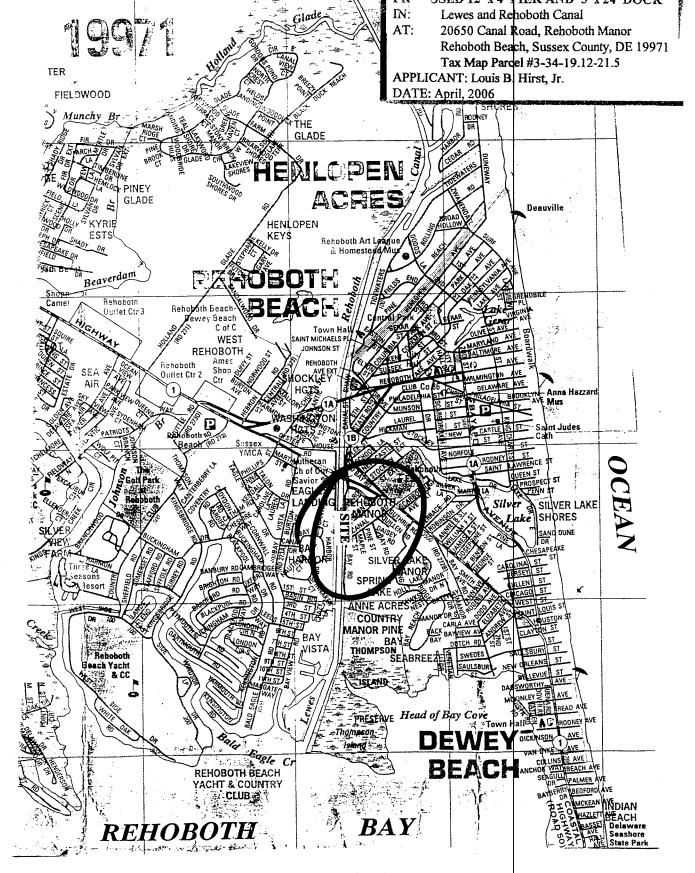
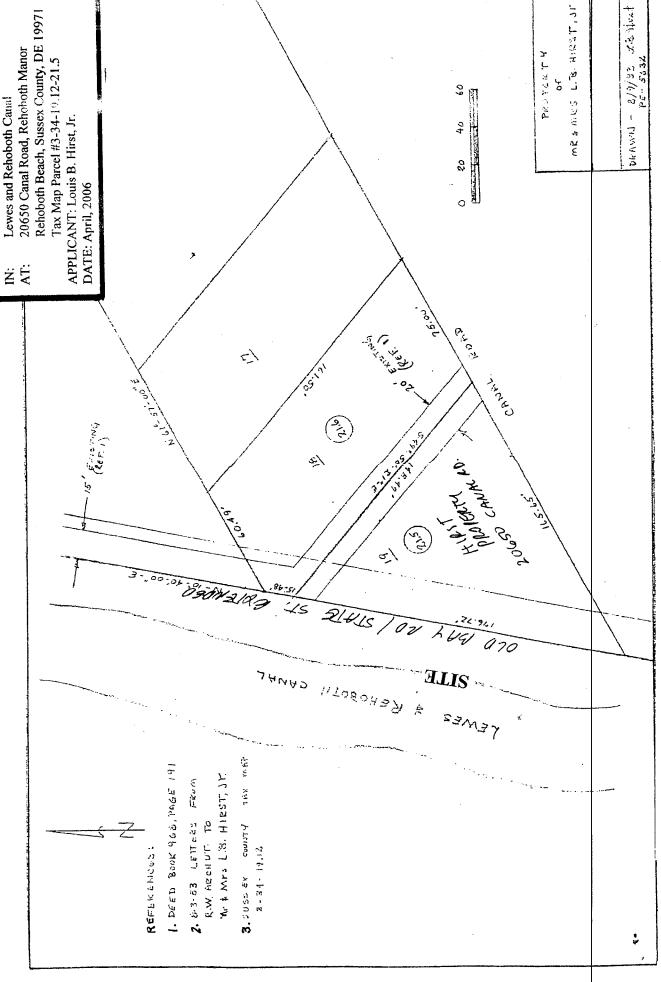


Figure 2. Street map of Rehoboth Beach and vicinity showing site location, 20650 Canal Road, Rehoboth Manor. Scale: 1" = 2,500'. Directions to site (from Dover, DE): Route 113 southbound toward Milford; Route 1 southbound toward beaches; cross over Lewes and Rehoboth Canal bridge; right onto Bay Road; continue straight onto Canal Road. Site is last house on right, 20650. Proposed project will be located behind applicant's house, along Lewes and Rehoboth Canal on opposite side of Old Bay Road/State Road Extended.



PROPOSED 12' x 4' PIER AND 5' x 24' DOCK

Rehoboth Canal on opposite side of Old Bay Road/State Road Extended. Scale as Rehoboth Beach, Sussex County, Delaware (Tax Map Parcel #3-34-19.12-21.5). Proposed project will be located behind applicant's house, along Lewes and Vicinity map showing site location, 20650 Canal Road, Rehoboth Manor,

shown.

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Figure 3.

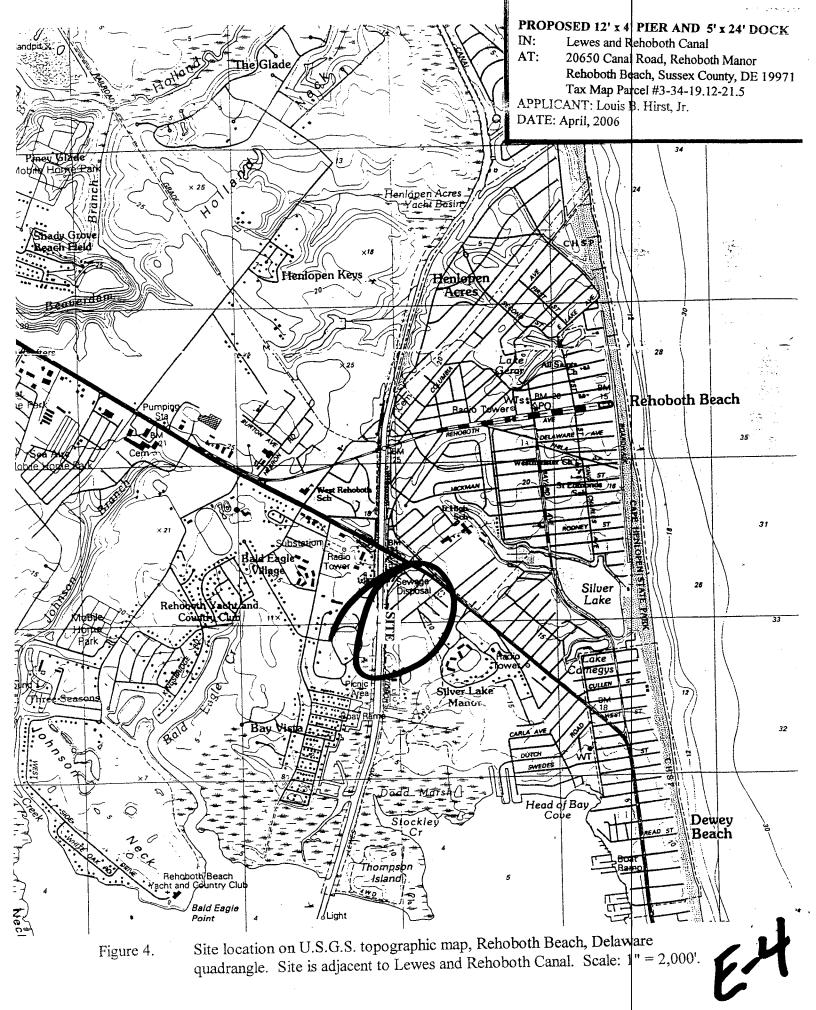




Figure 5. Site location on State of Delaware Wetlands Map. No DNREC wetlands mapped on site. Scale: 1" = 300'.

PROP(D 12' x 4' PIER AND 5' x 24' DOCK

IN: Lewes and Rehoboth Canal

20650 Canal Road, Rehoboth Manor AT:

Rehoboth Beach, Sussex County, DE 19971

Tax Map Parcel #3-34-19.12-21.5 APPLICANT: Louis B. Hirst, Jr.

DATE: April, 2006

Map Image Download

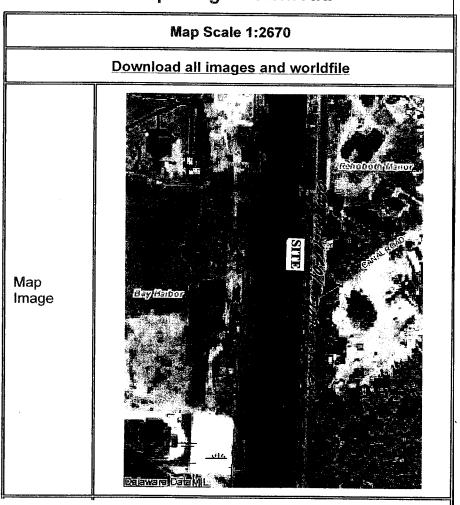


Figure 6. 2002 aerial photograph of site. Scale as shown.

PROPOSED 12' x 4' PIER AND 5' x 24' DOCK

I: Lewes and Rehopoth Canal

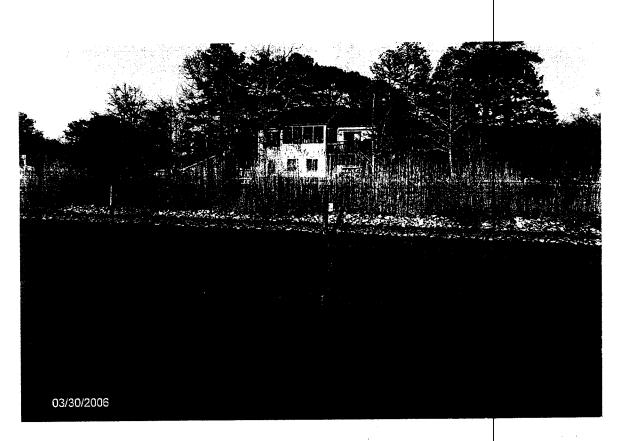
AT: 20650 Canal Road, Rehoboth Manor

Rehoboth Beach Sussex County, DE 19971

Tax Map Parcel #3-34-19.12-21.5

APPLICANT: Louis B. Hirst, Jr.

DATE: April, 2006



Photograph of site, 20650 Canal Road, Rehoboth Manor, Rehoboth Beach, Sussex County, Delaware (Tax Map Parcel #3-34-19.12-21.5), adjacent to Lewes and Rehoboth Canal. Existing rip-rap bank stabilization present. Applicant proposes to construct 12' x 4' pier and 5' x 24' dock to moor one 23' boat. See Figures 8, 9, and 10 for plan view and cross-section diagrams of proposed project.



PROPOSED 12' x 4' PIER AND 5' x 24' DOCK

IN: Lewes and Rehoboth Canal

AT: 20650 Canal Road, Rehoboth Manor

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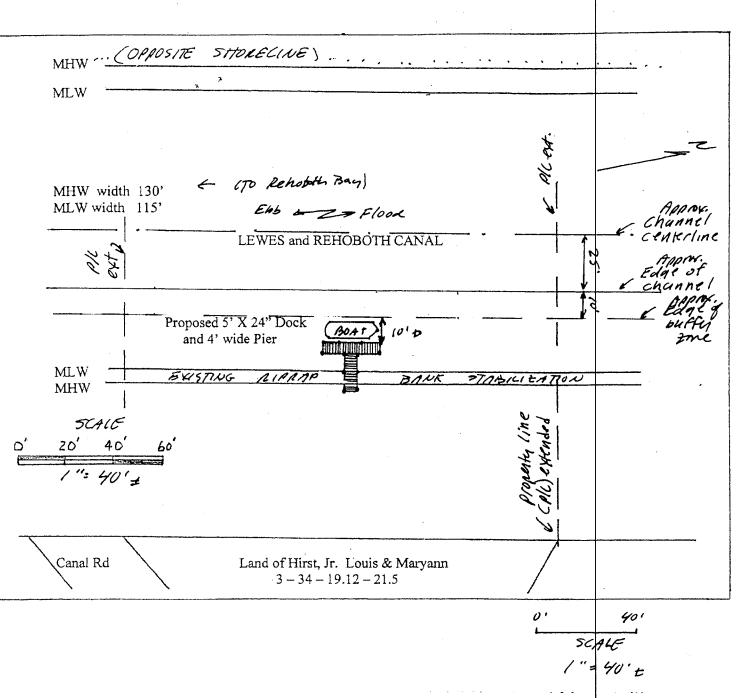


Figure 8. Plan view proposed project showing MHW and MLW (prepared by applicant). Approximate locations of Lewes and Rehoboth channel centerline, edge of channel, and 10' buffer zone also shown. Sketch for permit application purposes only.

AT: 20650 Canal Road, Rehoboth Manor \mathcal{B}' Rehoboth Beach, Sussex County, DE 19971 Tax Map Parcel #3-34-19.12-21.5 APPLICANT: Louis B. Hirst, Jr. Edge of Navigatimal channel DATE: April, 2006 LEWES AND REHOBOTH CANAC 101 Edge of Buffer zone 231 BOAT C PROPOSED 5'XZ4' DOCK Proposed 5'X 24' Dock and 4' wide Pier SCALE 1 2 3 4 5 PROPOSED 12'X4' PIER NOTE: PLER JACKESS EXTEND CONDUMNO OF MHW HTZ

Figure 9. Plan view of proposed project. Sketch for permit application purposes only.



PROPUSED 12' x 4' PIER AND 5' x 24' DOCK Lewes and Rehoboth Canal

IN:

